

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201603528	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/21/2015 11:15 AM	Location of Incident: Inside of § 87(2)(b)	Precinct: 90	18 Mo. SOL 6/21/2017	EO SOL 6/21/2017	
Date/Time CV Reported Fri, 04/15/2016 2:16 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/25/2016 11:05 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kareem Phillips	02555	929558	QB SSZN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Oswaldo Carrion	15059	920100	QB SSZN

Officer(s)	Allegation	Investigator Recommendation
A.POM Kareem Phillips	Force: Police Officer Kareem Phillips struck § 87(2)(b) with an asp.	
B.POM Kareem Phillips	Discourtesy: Police Officer Kareem Phillips spoke discourteously to § 87(2)(b)	
C.POM Kareem Phillips	Discourtesy: Police Officer Kareem Phillips spoke discourteously to § 87(2)(b) and individuals.	

Case Summary

On April 15, 2016, the following incident was reported to IAB by § 87(2)(b) a journalist at NY1 News, prior to his broadcast of a news story on § 87(2)(b) the victim in this case. The broadcast featured cell phone video footage of the incident, first obtained by § 87(2)(b) (B.R. 06 – § 87(2)(b) Feature) The incident was subsequently covered by other news media, including the § 87(2)(b) in articles linking back to the § 87(2)(b) video. (B.R. 07 – Press Articles) On April 25, 2016, the CCRB received an IAB informational regarding the incident and began its investigation, which was docketed under the agency’s sensitive case list. (B.R. 08 – IAB Informational Log)

On December 21, 2015, at approximately 11:05 am, § 87(2)(b) was an active participant in a large physical altercation between two rival groups of students at § 87(2)(b) located at § 87(2)(b) in Brooklyn. The altercation, which occurred in a hallway inside the school, was quickly responded to by various officials, one of whom was PO Kareem Phillips of School Safety Division (SSD). In the hallway, PO Phillips soon became physically engaged with § 87(2)(b) separating him from another student. With the help of a school staff member, PO Phillips moved § 87(2)(b) into an adjoining classroom. Once inside the classroom, while being restrained by the staff member, § 87(2)(b) fell to the floor. Standing nearby, PO Phillips immediately stepped forward and struck § 87(2)(b) with his asp (**Allegation A**). While doing so, PO Phillips shouted at § 87(2)(b) stating “stop motherfucker, stop!” (**Allegation B**) PO Phillips then struck § 87(2)(b) with his asp again, continuing to shout: “Stop! – stop motherfucker, stop!” PO Phillips then strikes § 87(2)(b) again, shouting “you got the fucking cops here! – stop! – you going to fuck around?” After handcuffing § 87(2)(b) PO Phillips turned to the surrounding students in the classroom, some of whom were video recording, and told them they could record if they wanted, allegedly using profanity in his remark (**Allegation C**). PO Phillips later issued § 87(2)(b) a disorderly conduct summons, which was ultimately dismissed. An SSD Criminal Incident Report was prepared. (B.R. 22 – § 87(2)(b) Summons (dismissed); B.R. 24 – SSD Criminal Incident Report) The school suspended § 87(2)(b) and the other involved students for 30 days, and prepared two reports regarding the altercation. § 87(2)(b) obtained no documented medical treatment. (B.R. 16 – § 87(2)(b) Occurrence Report; B.R. 17 – § 87(2)(b) Chronology)

Parts of the incident were recorded on cell phone video. The investigation obtained five brief video segments, each documenting a different incident phase: Video 1, the media publicized footage, is embedded on page 3, and Videos 2, 3, and 4 are embedded on page 4. (The same are linked at: B.R. 01 – Video 1, Classroom Force; B.R. 02 – Video 2, Hallway Struggle; B.R. 03 – Video 3, Students Fighting; B.R. 04 – Video 4, Initial Encounter; B.R. 05 – Video 5, Handcuffing)

Mediation, Civil and Criminal Histories

This case was not mediation eligible. In January 2016, § 87(2)(b) filed a Notice of Claim. In April 2016, § 87(2)(b) filed a federal civil rights action against the NYPD, in pendency. A 50-h hearing was not conducted. (B.R. 09 – NOC & Civil Suit) § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has not filed any prior CCRB complaints (B.R. 28 – Civilian History).
- PO Phillips has been a member of service for 14 years. During this time, he was a subject in one prior complaint (# 200503757), in which two force allegations (pushing) were Unsubstantiated. § 87(2)(g)

Potential Issues

Through his civil attorney § 87(2)(b) § 87(2)(b) declined to provide a statement to the agency. § 87(2)(b) also declined access to his client § 87(2)(b) a student involved in the fight. Despite extensive witness contact attempts, the investigation was only able to obtain phone statements from two of the classroom students, § 87(2)(b) and § 87(2)(b) neither of whom cooperated in providing verified statements. Other identified classroom students were unreachable. Consequently, further cell phone footage was also unobtainable. § 87(2)(b) the staff member seen engaging with § 87(2)(b) in Video 1, moved to Maine in early 2016, and contact attempts were unsuccessful.

Findings and Recommendations

Allegation A: Force – Police Officer Kareem Phillips struck § 87(2)(b) with an asp.

§ 87(2)(g)



video1.mp4

It is undisputed that PO Phillips struck § 87(2)(b) with his asp twice, while using profanity against him. While some key aspects of the classroom dynamic are disputed, Video 1 (embedded above) shows the following series of actions. The recording begins with § 87(2)(b) on the floor, just past the doorway, as § 87(2)(b) tries to pull him further inside the classroom (00:04). His left hand already on the door handle, § 87(2)(b) then gets up (00:05), with § 87(2)(b) now holding onto him with both hands. As § 87(2)(b) starts to stand upright, § 87(2)(b) tries to hold him against the wall, possibly pushing him in the process (00:06). § 87(2)(b) reacts by placing his hands on § 87(2)(b) arms, and appears to begin pushing § 87(2)(b) (00:08). In doing so, § 87(2)(b) suddenly moves towards § 87(2)(b) – appearing to shift forward by his own momentum – and then falls to the floor, making contact with a desk (00:10). PO Phillips, looking out into the hallway, asp in hand, starts turning to § 87(2)(b) as he falls forward. As § 87(2)(b) makes contact with the desk, PO Phillips steps toward him, stating “yo!” repeatedly. Immediately after § 87(2)(b) hits the floor, with his left hand on § 87(2)(b) s upper back, PO Phillips strikes § 87(2)(b) with his asp twice (first at 00:11, second at 00:15). For the first strike, § 87(2)(b) has both hands on § 87(2)(b) s nape (00:11). After the first strike, PO Phillips shouts: “stop! – stop motherfucker, stop!” Through the second strike and after, PO Phillips shouts: “you got the fucking cops here! – stop! – you going to fuck around?” (00:13 – 00:19) (B.R. 01 – Video 1, Classroom Force)

As partially documented in Video 2, Video 3, and Video 4 (all embedded below), it is undisputed that § 87(2)(b) had been aggressively fighting with other students, and that the hallway at the

time was crowded and chaotic. Video 2 shows PO Phillips (uniformed black male) grabbing and pulling on § 87(2)(b) (back turned, in grey/pink, at 00:01 - 00:02), who appears to be swinging his fist at someone outside the camera frame (00:02). What follows is unclear: PO Phillips initially appears to lose his grasp on § 87(2)(b) (00:05), but then appears to be regaining control (at 00:08), as the surrounding crowd starts falling at his feet. (See: B.R. 02 – Video 2, Hallway Struggle; B.R. 03 – Video 3, Students Fighting; B.R. 04 – Video 4, Initial Encounter)



Video2.mp4



Video3.mp4



video4.mp4

The undersigned investigator visited § 87(2)(b) on multiple occasions, touring its campus and obtaining statements from staff. Located at § 87(2)(b) in Brooklyn, § 87(2)(b) has a student body of approximately 1000, spanning the entire second level of a three-story, three-school campus, each managed by separate personnel. Several staff members referred to as deans – among them, § 87(2)(b) and § 87(2)(b) – are tasked with handling student disciplinary matters (on field visits, they also appeared to monitor hallway passage between class periods). Additionally, a team of School Safety Agents (SSAs) is assigned to the building, 15 of whom were on duty on the day of the incident. PO Kareem Phillips and his partner PO Oswaldo Carrion, permanently assigned to § 87(2)(b) and generally functioning as a visible uniformed presence, were the only officers on duty that day. Neither officer had any prior knowledge of § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) had no notable disciplinary record. (See: B.R. 27 – Location Photos; B.R. 10 – 13, Staff Statements; B.R. 18 – 19, Officer Statements)

§ 87(2)(b) present at the outset of the incident, recounted the following. At approximately 11:15 am, between class periods, § 87(2)(b) happened to notice § 87(2)(b) and his cousin § 87(2)(b) in a face-to-face verbal dispute with several other students. § 87(2)(b) managed to separate § 87(2)(b) and § 87(2)(b) from the other students, and tried to calm § 87(2)(b) and § 87(2)(b) down. Though removed, insults were still being exchanged between the two groups (see Video 4 above – § 87(2)(b) is in grey/pink hoodie, on § 87(2)(b) left arm). However, though initially compliant, § 87(2)(b) suddenly broke free from § 87(2)(b) and sprinted off, heading away from the opposing group. When § 87(2)(b) also did the same, § 87(2)(b) radioed the security team, unable to run after them. At the time, § 87(2)(b) had no idea what § 87(2)(b) intended to do, and never suspected – as he would later find out – that § 87(2)(b) would run around the perimeter of the campus and ultimately re-engage the opposing group in a hallway at the opposite end of the school. By the time § 87(2)(b) responded to the hallway, the fight was already being broken up. § 87(2)(b) never saw § 87(2)(b) or PO Phillips in the hallway, and did not know about their classroom encounter until it was covered in the media. Despite having limited personal knowledge of what transpired in the hallway, § 87(2)(b) prepared two reports regarding the incident – a formal Occurrence Report for the Department of Education, and an informal Incident Chronology for § 87(2)(b) administration. (B.R. 10 – § 87(2)(b) Statement; B.R 16, 17 – Occurrence Report, Incident Chronology)

On the opposite side of the school, soon after hearing the radio call, § 87(2)(b) saw § 87(2)(b) and several other students run past him, and pursued them after they refused to stop. § 87(2)(b) was soon joined by PO Phillips and PO Carrion, as the students crossed their position at the main entrance. The chase eventually ended in an arterial hallway,

where § 87(2)(b) encountered a frenzy of activity – approximately seven students fighting each other, punching and kicking in pairs or groups, surrounded by a large crowd of onlookers. § 87(2)(b) jumped into the fray and soon found himself outside § 87(2)(b), teacher § 87(2)(b)'s classroom, where – in the process of separating two fighters, one of them § 87(2)(b) – he stumbled to the floor. Prior to going down, § 87(2)(b) was aware that § 87(2)(b) was also nearby, actively struggling with three adults – staff members § 87(2)(b) and § 87(2)(b) and PO Phillips. § 87(2)(b) stated that he saw § 87(2)(b) “punching, pushing, and kicking” all three adults, and believed that one punch landed on PO Phillips. While § 87(2)(b) did not interact with § 87(2)(b) himself, and could not further describe this physical dynamic, he stated that § 87(2)(b) was being extremely uncooperative, refusing to be restrained. § 87(2)(b) was aware that § 87(2)(b) was eventually pulled into § 87(2)(b)'s classroom by PO Phillips and § 87(2)(b) but did not see or hear what happened inside – he became occupied with § 87(2)(b) and did not see § 87(2)(b) again that day. (B.R. 11 – § 87(2)(b) Statement)

When the fight first broke out in the hallway, teacher § 87(2)(b) was inside § 87(2)(b) about to begin his lesson. Upon hearing commotion in the hallway, and seeing several males pushing and shoving each other, § 87(2)(b) briefly attempted to break up the fight, as no other adults were around (See Video 3 above, § 87(2)(b) in a blue shirt). § 87(2)(b) did not recall if § 87(2)(b) who he knew, was one of these fighters. When staff members responded within approximately a minute, § 87(2)(b) returned to his classroom, shutting the door behind him. Approximately 5 minutes later, the door was opened by PO Phillips, who dragged § 87(2)(b) into the classroom. § 87(2)(b) observed what followed from approximately 8 feet away. Initially – before reviewing Video 1 – § 87(2)(b) stated with certainty that only PO Phillips had been physically engaged with § 87(2)(b) and that PO Phillips pushed § 87(2)(b) to the floor after bringing him inside. § 87(2)(b) stated that § 87(2)(b) had been flailing against PO Phillips – though the officer had both arms around his torso, § 87(2)(b) was “squirming around” and going “rubbery,” slipping out of PO Phillips’ hold. Immediately after he pushed § 87(2)(b), PO Phillips hit § 87(2)(b) with his asp twice, each strike making contact with his thigh. § 87(2)(b) stated that § 87(2)(b) had continued to “squirm” about on the floor, and did not stop moving until he was handcuffed. Upon reviewing Video 1, § 87(2)(b) expressed that he had recalled the classroom dynamic differently, stating that he had not remembered § 87(2)(b)'s close physical involvement, or PO Phillips’ profanity against § 87(2)(b). § 87(2)(b) did recall PO Phillips’ profanity against the classroom, addressed in **Allegation C**). § 87(2)(b) stated that the “push” he had initially described was in fact the fall-forward seen at 00:10 in Video 1. (B.R. 12 – § 87(2)(b) Statement)

§ 87(2)(b) a staff member at a separate school on the third floor, stated that he happened to be taking an elevator downstairs when he heard students fighting on the second floor, responding to the scene after seeing no adults around. § 87(2)(b) stated that he briefly attempted to break up the fight, but ultimately left when § 87(2)(b) staff responded, since he is not their employee. While § 87(2)(b) identified himself as the other visible adult near PO Phillips in Video 2, he did not recall anything about the circumstances depicted, stating that he did not see any police officers in the hallway, and did not recall any concentrated activity around a student. § 87(2)(b) neither knew nor saw § 87(2)(b) that day. (B.R. 13 – § 87(2)(b) Statement)

The investigation obtained phone statements from two student witnesses, § 87(2)(b) and § 87(2)(b) both of whom were seated at the front of the class. § 87(2)(b) believed that she was the closest to the encounter between PO Phillips and § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) was calm and cooperative when he was brought into the

classroom, but that he somehow came to fall to the floor. According to § 87(2)(b) § 87(2)(b) tried to get up from the floor, but was pushed back down by PO Phillips, who then hit him twice with the asp. § 87(2)(b) § 87(2)(b) stated that when § 87(2)(b) § 87(2)(b) fell to the floor, PO Phillips hit him with the asp five times. Both § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) stated that § 87(2)(b) § 87(2)(b) may have moved around on the floor, but described this movement as a bodily response to the asp's blunt impact. Both § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) stated that § 87(2)(b) § 87(2)(b) did not struggle with the officer or physically resist. (B.R. 07 – § 87(2)(b) § 87(2)(b) Statement; B.R. 08 – § 87(2)(b) § 87(2)(b) Phone Statement)

PO Carrion acknowledged responding to the incident with PO Phillips, but stated that he was quickly separated from him in the crowd. PO Carrion ultimately became involved in restraining § 87(2)(b) § 87(2)(b) with the assistance of § 87(2)(b) § 87(2)(b) eventually removing him to § 87(2)(b) § 87(2)(b) s office. PO Carrion saw no interactions between § 87(2)(b) § 87(2)(b) and PO Phillips in the hallway, and did not find out about the classroom incident till later that day. When PO Phillips debriefed him, he told PO Carrion that § 87(2)(b) § 87(2)(b) had punched him twice on the chest while struggling with him. While § 87(2)(b) § 87(2)(b) was the only student PO Carrion made contact with, he was ultimately advised by school staff that § 87(2)(b) § 87(2)(b) and another student named § 87(2)(b) § 87(2)(b) were the primary aggressors. PO Carrion issued disorderly conduct summons to § 87(2)(b) § 87(2)(b) and PO Phillips issued the same to § 87(2)(b) § 87(2)(b) (B.R. 19, 21– PO Carrion Statement, Memo Book; B.R. 22, 23 – § 87(2)(b) § 87(2)(b) Summons; § 87(2)(b) § 87(2)(b) Summons (dismissed))

PO Phillips, standing 6'2" tall, and weighing 270 pounds, stated that he noticed § 87(2)(b) § 87(2)(b) soon after responding to the scene: though he was approximately 5'5" tall and 150 pounds, § 87(2)(b) § 87(2)(b) appeared to be especially "ferocious" in his fighting, kicking and swinging at the male he was fighting with. PO Phillips got separated from PO Carrion, but was aware that school staff – § 87(2)(b) § 87(2)(b) and several SSAs – were present in the hallway. Taking § 87(2)(b) § 87(2)(b) to be a primary aggressor, PO Phillips attempted to separate § 87(2)(b) § 87(2)(b) from the other fighter, initially putting himself between the two, where he yelled at them to stop fighting repeatedly. However, § 87(2)(b) § 87(2)(b) and the other male refused to comply, and showed no signs of calming down. Facing § 87(2)(b) § 87(2)(b) who kept trying to "come at" the male behind him, PO Phillips tried to hold § 87(2)(b) § 87(2)(b) at which time PO Phillips was punched on his back by an unknown individual (PO Phillips believed this was unintentional – there was a crowd all around him, and someone was trying to get to § 87(2)(b) § 87(2)(b) also). Still trying to separate and deescalate, PO Phillips identified himself as a police officer, and kept telling § 87(2)(b) § 87(2)(b) to "stop fighting." However, PO Phillips was unable to grasp hold of § 87(2)(b) § 87(2)(b) who continued to struggle. At around this time, still standing face to face with him, § 87(2)(b) § 87(2)(b) punched PO Phillips, making contact with his right shoulder. PO Phillips did not know if § 87(2)(b) § 87(2)(b) had intended to direct a punch at him, or if he had done so while flailing. Immediately after being punched, § 87(2)(b) § 87(2)(b) was pulled into the classroom. Beyond stating that it was a "hands on" removal, PO Phillips was unable to describe how or who effected the move, but stated– without certainty, and without articulating any supporting specifics – that § 87(2)(b) § 87(2)(b) may have struck him again during the move. (B.R. 18, B.R. 20 – PO Phillips Statement, Memo Book)

Once inside, § 87(2)(b) § 87(2)(b) remained combative and refused to stop moving – despite PO Phillips repeatedly stating "I'm the police, stop!" – and, while doing so, suddenly fell to the floor. PO Phillips stated that § 87(2)(b) § 87(2)(b) now on the floor, then started kicking him, making contact with his legs and ankles. In response to his kicking, PO Phillips pulled out his asp and struck § 87(2)(b) § 87(2)(b) two to three times on the median point of his leg, causing him to stop kicking. PO Phillips then handcuffed and removed § 87(2)(b) § 87(2)(b) to § 87(2)(b) § 87(2)(b) office. There, § 87(2)(b) § 87(2)(b) apologized to PO Phillips, and told him that his earlier punch had been unintentional. (B.R. 18 – PO Phillips Statement)

Upon reviewing Video 1, PO Phillips maintained that he used his asp against § 87(2)(b) after he had kicked him, but could not specify when the kicking occurred. PO Phillips could not identify any point in the recording which either clearly showed or indirectly indicated that § 87(2)(b) was kicking from his position on the floor, or actively resisting in any other manner. PO Phillips did not recall exactly how § 87(2)(b)'s legs were positioned or exposed, but maintained that the asp made contact with his legs. PO Phillips ultimately stated that he struck § 87(2)(b) because he “was not complying” – to make him “stop resisting.” PO Phillips acknowledged that he used profanity against § 87(2)(b) while striking him, because his verbal commands were not working, but denied calling § 87(2)(b) a “motherfucker.” (B.R. 18 – PO Phillips Statement)

Patrol Guide Procedure 203-11 dictates that officers may use only the minimum necessary force required to overcome resistance. (B.R. 25 – P.G. 203-11)

§ 87(2)(b), § 87(2)(g)
[REDACTED]

§ 87(2)(b), § 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B: Discourtesy – Word: Police Officer Kareem Phillips spoke discourteously to

§ 87(2)(b)

In Video 1, PO Phillips can be heard making the following remarks to § 87(2)(b). As § 87(2)(b) falls, PO Phillips steps towards him and shouts “yo, yo!” When § 87(2)(b) hits the floor, PO Phillips strikes him with the asp, while shouting “stop! – stop motherfucker, stop!” PO Phillips then strikes § 87(2)(b) again, shouting “you got the fucking cops here! – stop! – you going to fuck around?” (00:13 – 00:19) (B.R. 01 – Video 1, Classroom Force)

PO Phillips acknowledged that he used profanity against § 87(2)(b) while striking him, because his verbal commands were not working, but denied calling him a “motherfucker.” PO Phillips stated that he needed to “use another language” to gain § 87(2)(b)’s compliance. (B.R. 18 – PO Phillips Statement)

Patrol Guide Procedure 203-09 states that officers must remain courteous and respectful when interacting with the general public. (B.R. 26 – P.G. 203-11)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation C: Discourtesy – Word: Police Officer Kareem Phillips spoke discourteously to § 87(2)(b) and individuals.

In his interview, § 87(2)(b) stated that PO Phillips, after handcuffing § 87(2)(b) turned to the classroom and stated “you can take whatever the heck you want,” referring to the students actively video recording on their cell phones. § 87(2)(b) stated that he was substituting the word “heck” for a more profane expletive, but could not recall and did not wish to approximate what this word was. (B.R. 12 – § 87(2)(b) Statement)

Both § 87(2)(b) and § 87(2)(b) independently and specifically that PO Phillips, in addition to cursing at § 87(2)(b) while striking him, later used profanity against the classroom. § 87(2)(b) stated that PO Phillips, after handcuffing § 87(2)(b) turned to the class and stated: “you can fucking record, whatever.” § 87(2)(b) did not recall the exact phrasing of PO Phillips’ remark, but was certain that he used the word “fuck” in this specific context. (B.R. 07 – § 87(2)(b) Phone Statement) § 87(2)(b) stated that PO Phillips, before exiting the classroom with § 87(2)(b) handcuffed, told “everyone” in the classroom that he “doesn’t give an ‘F’ who’s recording, that they can record because he was doing his job.” § 87(2)(b) was certain that PO Phillips used the ‘F word’ in expletive form when he made the remark, but refused to say the word herself. (B.R. 08 – § 87(2)(b) Phone Statement) § 87(2)(b) and § 87(2)(b) did not cooperate in providing verified statements (see Potential Issues).

PO Phillips denied verbally engaging with other students in the classroom, or using any profanity towards them, regarding their cell phone recording or otherwise. (B.R. 18 – PO Phillips Statement)

There is no video or audio evidence of the alleged interaction.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted].

§ 87(2)(g) [Redacted].

Squad: 8

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date